

FINDINGS FOR DENIAL OF COUNTY FILE CDVR23-01032; RYAN BYRKIT (APPLICANT & OWNER)

FINDINGS

A. Variance Findings

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: Approval of the requested variance would allow for an accessory building that is 585 square feet in size and 18-feet 2-inches in height. The subject property is located along the east side of Sandmound Boulevard where lots in the F-1 Water Recreational District are less than 20,000 square feet and accessory buildings are subject to the size limitation of County Ordinance Code Section 82-4.212(1) of 500 square feet. Accessory buildings are also limited to a height of 15 feet pursuant to County Code Section 82-4.212(2). In this neighborhood, accessory structures have been constructed in compliance with the restrictions in the County Code. There appears to be no precedence in the vicinity for permitting an accessory building to be larger than 500 square feet in size and taller than 15 feet in height. Consequently, approval of the requested variance would be considered a grant of special privilege.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The subject property is a 12,160 square-foot lot in the F-1 Water Recreational District. The subject property as well as the surrounding lots on the east side of Sandmound Boulevard are predominantly flat, with an elevation of 0 feet that rises to 10 feet near Sand Mound Slough. The subject property has been developed with a single-family residence with two covered off-street parking spaces. In addition, a metal carport has been constructed without obtaining prior planning or building approval. Thus, there does not appear to be any special

circumstance applicable to the subject property due to its size, shape, topography, location or surroundings that support relief from the zoning regulations for accessory buildings. The lack of physical constraints on the property does not show that the applicable zoning regulations would deprive the subject property of the rights enjoyed by other properties in the vicinity and in the F-1 District.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Project Finding: The subject property is located within the F-1 Water Recreational District. The uses allowed in the F-1 District are set forth in Section 84-34.402 of the County Ordinance Code, which includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. The metal carport could be consistent with the residential uses allowed in the F-1 District provided it meets the accessory building regulations in County Code Section 82-4.212 that restricts the size of the accessory building to a maximum size of 500 square-feet and a maximum height of 15 feet. The intent of the size and height limitations is to maintain a certain scale for an accessory building to be considered as subordinate to the single-family residence, and allows a single-story structure with a pitched roof. Therefore, approval of a variance to allow the previously constructed oversized accessory building does not meet the intent and purpose of the F-1 District.

B. California Environmental Quality Act (CEQA) Findings

The project is exempt under CEQA Guidelines, Section 15061(4), Review for Exemption, exemption for projects that will be rejected or disapproved by a public agency.